

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Tyre Daniel Benson,

Court File No.: 05-2778 (PAM-JSM)

Plaintiff,

ORDER

City of Minneapolis, et al.,

Defendants.

Based on the all pleadings and the letters of Defendants, pursuant to Federal Rule of Civil Procedure 25(a)(1), the Court finds the following:

1. That Plaintiff died on or about October 2, 2006;
2. That all known heirs were served with a Suggestion of Death under Fed. R. Civ. P. 25(a)(1), with the last known heir being served on January 28, 2008;
3. That more than ninety days have passed since service of the last known heir of the Suggestion of Death, and that no heir has made a motion to substitute of parties under Fed. R. Civ. P. 25(a)(1);

The Court therefore ORDERS:

That, in accordance with Fed. R. Civ. P. 25(a)(1), Plaintiff's claims are dismissed, with prejudice, without costs or disbursements to any party.

BY THE COURT

DATED: May 15, 2008

s/Paul A. Magnuson
Honorable Paul Magnuson
United States District Court Judge